

SUMMARY ANALYSIS OF AMENDED BILL

Author: Leslie Analyst: Roger Lackey Bill Number: SB 1386
Related Bills: See Prior Analysis Telephone: 845-3627 Amended Date: 04-28-98
Attorney: Doug Bramhall Sponsor:

SUBJECT: State Agencies/Information Gathering On Website/Disclosure Requirements

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.

FURTHER AMENDMENTS NECESSARY.

☒ DEPARTMENT POSITION CHANGED TO Support.

☒ REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED January 7, 1998 STILL APPLIES.

OTHER - See comments below.

SUMMARY OF BILL

This bill would require that every state agency that maintains or operates a Internet website that uses any method or device to collect personal information, usage patterns, or user movements to disclose the existence and purpose of such a device on its home page or a web page directly linked from the home page for the website.

SUMMARY OF AMENDMENT

The April 28, 1998, amendment provides that the disclosure of any methods or devices used to collect personal information must be disclosed on the home page or a web page directly linked from the home page for the website.

The amendment provides that a user has the option of having personal information collected on the website discarded without reuse or distribution. A state agency may not distribute or sell communication protocol information to any third party.

In addition, the amendment provides that any information acquired by a state agency is subject to the limitations set forth in the Information Practices Act. Further, the amendment revised the definition of "personal information" to include "personal information" as defined by Section 1798.3 of the Civil Code, and that "personal information" does not include communication protocol information.

DEPARTMENTS THAT MAY BE AFFECTED:

___ STATE MANDATE

___ GOVERNOR'S APPOINTMENT

Board Position:

☒ X ☐ S ☐ O
☐ SA ☐ OUA
☐ N ☐ NP
☐ NA ☐ NAR
☐ PENDING

Agency Secretary Position:

☐ S ☐ O
☐ SA ☐ OUA
☐ N ☐ NP
☐ NA ☐ NAR
DEFER TO _____

GOVERNOR'S OFFICE USE

Position Approved _____
Position Disapproved _____
Position Noted _____

Department/Legislative Director Date
Johnnie Lou Rosas **5/12/98**

Agency Secretary Date

By: Date:

The reference to the Information Practices Act resolves the technical consideration provided in the department's analysis of SB 1386 as introduced January 7, 1998.

Except for the discussion above, the department's analysis of SB 1386 as introduced January 7, 1998, still applies.

BOARD POSITION

Support.

At its March 26, 1998, meeting, the Franchise Tax Board voted 2-0 to support this bill. Robin J. Dezember, on behalf of Member Craig L. Brown, abstained.